



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,803	05/12/2006	Mark Andrew Rowen	ROWE0101PUSA	6967
22045	7590	12/22/2008	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			FRANK, NOAH S	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			12/22/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 12/16/08 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the "new rejection as set forth above", the Examiner intended the sentence to read, "the rejection as set forth above".

In response to applicant's arguments regarding the definitions of paint residue and paint waste stream, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments regarding claim 10, all liquids inherently have some viscosity, and are therefore viscous. Viscous does not imply a quantitative viscosity, only the state of having viscosity.

In response to applicant's arguments regarding claim 11, Hovestadt teaches adjusting the spray viscosity of the coating by adding water, followed by using the overspray in a one or two component coating composition (Abs). This clearly meets the claimed limitation of diluting the residue prior to adding hardener.

In response to applicant's arguments regarding claim 4, the data sheet states that Rubinate 1840 is a polymeric MDI binder. If the binder were to contain solely polymeric MDI, it could not achieve the stated viscosity. The skilled artisan understands that Rubinate 1840 comprises approximately a 50:50 mix of MDI and polymeric MDI.

In response to applicant's arguments regarding Patzelt, Patzelt was used to teach the method of placing paint waste in a still and removing excess solvent. The fact that Patzelt teaches recovering solvent is immaterial, as Patzelt teaches the general method of separating solvent and paint. Hovestadt is used to teach keeping the paint, as opposed to the solvent. Furthermore, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's arguments that polyisocyanates are not reactive to epoxide groups, under proper conditions, ie in the presence of cyanoacetamide accelerators, polyisocyanates are reactive to epoxide groups. Furthermore, Hovestadt teaches using amino cross-linking resins (6:35-40), which are reactive to epoxides.

In response to applicant's arguments regarding claim 8-9, applicant has admitted that separation of pigments can be accelerated using an industrial decanter or centrifuge (4:15-25 of instant specification). While the sentence that states this does not include the phrase "well known", it is clear from the context that it is implied. Furthermore, if it is well known that paints settle out with heavy pigments falling to the bottom and the clear resin solution sitting on top (4:15-25 of instant specification), the skilled artisan knows that a centrifuge or decanter will speed up the separation.

In response to applicant's arguments regarding claim 12, Hovestadt teaches a general adjustment of the spray viscosity by adding water (Abs). This is a "general condition". The skilled artisan knows that the amount of diluent directly affects the viscosity of the coating. This is therefore a result-effective variable, and may be optimized.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOAH FRANK whose telephone number is (571)270-3667. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/  
Supervisory Patent Examiner, Art Unit 1796

NF  
12-18-08